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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/022,805

11/16/2001

Charles Patton

SRI-013

3867

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07/28/2006

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,805

Applicant(s)

PATTON ET AL.

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the request for reconsideration filed 22 May 2006.
2. Claims 22-47 remain pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22-47 rejected under 35 U.S.C. 102(b) as being anticipated by Mahany (U.S. 5,960,344).

a. As per claim 22, Mahany teaches: a method for managing communications over a plurality of networked devices, the method comprising: exchanging a first communication between a first networked device and a second networked device over a point-to-point medium (lines 51-67 of column 1 , line 62 of column 2 through line 12 of column 3, and lines 44-53 of column 5); and configuring, via said first communication, a use of a shared medium by at least said second network device (lines 35-52 of column 8 and lines 22-30 of column 9).

b. As per claim 23, Mahany teaches: said configuring enables said second networked device to communicate with a third networked device over said shared medium (lines 35-47 of column 2, line 64 of column 11 through line 22 of column 12, and Fig. 9).

c. As per claim 24, Mahany teaches: exchanging a second communication between said first networked device and said third networked device over said shared medium (lines 31-49 of column 12 and Fig. 9).

d. As per claim 25, Mahany teaches: said second networked device initiates said first communication (lines 51-67 of column 1).

e. As per claims 26-27, Mahany teaches: wherein at least one of: said first networked device and said second networked device is a personal computing device, and wherein said personal computing device is at least one of: a personal digital assistant, a tablet computer, a laptop computer, a mobile phone, a handheld gaming device and a picoradio (lines 6-18 of column 18 and Figs. 1-15).

f. As per claims 28-29, Mahany teaches: wherein said first networked device is a network resource and wherein said network resource is at least one of: a printer, a projection display, a robot, a scanner, a facsimile machine, and a data collection device (line 64 of column 11 through line 49 of column 12 and Fig. 9).

g. As per claim 30, Mahany teaches: wherein said first networked device is part of a wired communications network (lines 35-37 of column 1, lines 31-33 of column 2, lines 44-47 of column 8, and Figs. 1-15).

h. As per claim 31, Mahany teaches: wherein said second networked device is part of a wireless communication network (lines 35-38 of column 8, line 60 of column 8 through line 30 of column 9, and Figs. 1-15).

i. As per claim 32, Mahany teaches: wherein said point-to-point medium is at least one of: an infrared communications network and a radio frequency

communications network (lines 30-32 of column 1, lines 10-29 of column 2, and Figs. 1-15).

j. As per claim 33, Mahany teaches: wherein said first communication grants at least one of said first networked devices and said second networked device a capability to perform a specified action in accordance with said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

k. As per claim 34, Mahany teaches: wherein said configuring comprises: providing data to said second networked device to enable said second networked device to connect to said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

l. Claims 35-47 contain similar limitations as those disclosed in claims 22-34 and are rejected under the same rationale.

5. Claims 22 and 35 rejected under 35 U.S.C. 102(b) as being anticipated by Enns et al. (U.S. 6,658,010 B1) hereinafter referred to as Enns.

a. As per claims 22 and 35, Enns teaches: exchanging a first communication between a first networked device and a second networked device over a point-to-point medium and configuring, via said first communication, a use of a shared medium by at least said second network device (lines 24-57 of column 2)

***Response to Arguments***

6. Applicant's arguments filed 22 May 2006 have been fully considered but they are not persuasive.

7. (A) Regarding claims 22 and 35, the applicant contends that Mahany does not teach using a first point-to-point medium to configure the use of a second, shared medium. The examiner respectfully disagrees.

As to point (A), the examiner notes that a "point-to-point" medium was not defined in the specification and has been given its broadest reasonable interpretation. The Mahany reference teaches a point-to-point medium because it shows communication between two separate and distinct devices (see Fig. 9 and Fig. 10 in particular).

Similar arguments were presented by the applicant in the previous correspondence. These arguments were discussed in response to point (A) in the previous office action mailed 22 February 2006, which disclosed: "In prior WLANs, a first wireless terminal that desired to communicate with a base station often could not detect transmissions from a second wireless terminal currently engaged in ongoing communication with the access point. As a result, the wireless terminal often initiated transmissions that collided with the ongoing communications. Operation of this type is referred to as a "hidden terminal" situation. To solve the hidden terminal situation, some prior base stations were configured with a second transmitter for delivering a carrier signal on a "busy channel" whenever the base station was engaged in communication

on the "data channel." All terminals were also fitted with a second receiver, tuned to the busy channel, and required to check the busy channel before initiating communication on the data channel. However, the additional power required, bandwidth used, hardware needed and associated cost made the busy channel solution undesirable for most applications," (lines 51-67 of column 1) and "The access point may also comprise a wired communication interface circuit coupled to the first processing circuit that may itself comprise a first and a second microprocessor. Additionally, at least one of the plurality of wireless roaming devices may participate on the first wireless communication channel while the other of the plurality of wireless roaming devices participates on the second wireless communication channel. Although the at least one of the plurality of wireless roaming devices may participate on the first wireless communication channel as directed by the access device, other variations and combinations are also possible. For example, the at least one of the plurality of wireless roaming devices may participate on the first wireless communication channel to exchange a specific type of data, and/or may participate based on current channel conditions. Such participation may be based the fact that, in some embodiments, the second wireless communication channel is more deterministic than the first wireless communication channel," (line 62 of column 2 through line 12 of column 3).

Additionally, lines 25-30 of column 9 in Mahany disclose: "However, roaming portable units may alter the network configuration as they move between cells. Thus, the access point 600 periodically polls devices within its communication cell to update the network configuration. Updates are entered and forwarded for other units in the

system.” This citation clearly teaches configuring a second communications medium via the first communications medium. As such, the rejection remains proper and is maintained by the examiner.

8. (B) Regarding claims 22 and 35, the applicant contends that Enns fails to teach exchanging a first communication using a point-to-point medium to configure the use of a second shared medium. The examiner respectfully disagrees.

As to point (B), the applicant argues that Enns instead teaches a network management system for asymmetric networks. The cited section of Enns describes not only a “shared broadband medium” (lines 42-43 of column 2), but also the configuration of parameters for communications with remote devices such as device addresses, transmission credit values, upstream channel assignments, and upstream transmit power levels (lines 54-57 of column 2). This rejection also remains proper and is maintained by the examiner.

9. (C) Applicant’s remaining arguments pertain to points (A) and (B) above.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gopalakrishnan et al. (U.S. 7,006,464 B1) discloses downlink and uplink channel structures for downlink shared channel system.

Loaiza et al. (U.S. 7,020,835 B2) discloses multiple communication mediums and configuration.

Pulsipher et al. (U.S. 7,027,411 B1) discloses identifying and processing changes to a network topology and shared connections.

Brewer et al. (U.S. 7,035,206 B2) discloses Fibre Channel point-to-point configuration.

Jamieson (U.S. 7,039,687 B1) discloses multi-protocol label switching virtual private networks including point-to-point shared mediums.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 10/022,805

Page 10

Art Unit: 2142

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Beatriz Prieto*  
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PRIMARY EXAMINER